



NORTH CAROLINA
ADMINISTRATIVE OFFICE
of the COURTS

NCSC Study on Court Reporters

[S.L. 2013-360, § 18B.21]

March 13, 2014



S.L. 2013-360, 18B.21

STUDY USE AND COMPENSATION OF COURT REPORTERS

SECTION 18B.21. The Administrative Office of the Courts, in consultation with the National Center for State Courts, shall study the most effective and efficient deployment of court reporters to produce timely records of court proceedings and the most appropriate and effective compensation for court reporters. The Administrative Office of the Courts shall report its findings and recommendations to the Chairs of the Joint Legislative Oversight Committee on Justice and Public Safety by February 1, 2014.

About Court Reporters in North Carolina

- 105 FTEs (as of NCSC study in August 2013)
 - One court reporting manager
 - 82 resident court reporters
 - 17 rovers
 - 5 vacancies
- Compensation Structure
 - Salary (average approximately \$53,000)
 - Compensation for transcripts based on per-page rate
 - Paid by the state – \$1.25 per page
 - Paid by private parties – negotiated rate
- Equipment
 - Court reporters are responsible for equipment, such as stenograph machines or steno masks and computer hardware/software

Court Reporter Certification

■ Certification Bodies

- National Court Reporters Association
- National Verbatim Reporters Association
- State of North Carolina Board of Examiners for Court Reporting Standards and Testing (*defunct*)

■ Levels of Certification

- Registered Professional Reporters (minimum level)
- Registered Merit Reporters
- Certified Realtime Reporters

■ Typical Experience

- Average 22 years of experience as court reporters
- Average 11.3 years with the state

Preserving the Record – *General Landscape*

■ Court Reporters

- Superior court proceedings
- Other cases as ordered by the court

■ Digital Recordings

- Criminal proceedings in district court in which a defendant pleads guilty or no contest to a Class H or I felony
- Juvenile proceedings
- Civil trials in district court
- Certain proceedings before the clerk
- Vehicle seizure forfeiture hearings in district court

■ No Record Required

- Misdemeanors
- Infractions
- Trials before magistrates

NCSC Study Methodology

- Documenting current practice
 - Interviews with key system actors (court personnel and NCAOC staff)
- Focus groups with key stakeholders
 - Superior court judges who previously served as district court judges
 - Attorneys (district attorneys, juvenile, criminal defense, appellate, civil)
 - Clerks of superior court
 - Court reporters
- Review of published reports and practices in other states
 - Particular focus on South Carolina, Virginia and Utah

NCSC Report: Other State Methods

Figure 1: Methods for Making the Record in Four States

State and Court	Case Types Required to Be on the Record				Methods for Making the Record		No. of Court Reporters	State or Contract Employee?	Certification Required?	Average Annual Salary	Page Rate for Transcriptions
	Criminal	Civil	Family/ Domestic Relations	Juvenile	Digital Recording	Court Reporter					
NC Superior Court	●	●				●	99	State	Yes	\$53,693	\$1.25
NC District Court			●	●	●		NA	NA			\$1.25
SC Circuit Court	●	●			○	●	63	State	Yes ³	\$39,316	\$3.25
SC Family Court			○	○	○	●	51	State	Yes ³	\$33,447	\$3.25
VA Circuit Court	●	○	○		○	●	250 ¹	Contract	No	\$44,310	Negotiated
UT District Court	●	●	●		●		25 ²	Contract	Yes	Unknown	\$3.50
UT Juvenile Court				●	●		NA	Contract	Yes	Unknown	\$3.50

● Required for all cases
 ○ As directed by the judge

● Used in practice
 ○ Allowed by statute

¹ Estimate of Virginia Court Reporter Association members
² Official Transcribers
³ Certification or graduation from an accredited program

NCSC Recommendations Regarding Court Reporters

- **Recommendation No. 1:** Uniform, best practices should be established and implemented by designated courtroom clerks who are charged with monitoring and supervising the creation of the digital record in District Court.
- **Recommendation No. 2:** District Courts should consider using court reporters for creating the record in Termination of Parental Rights hearings.
- **Recommendation No. 3:** The Court Reporting Manager should collect, assemble, and analyze monthly court reporter operational data in order to make empirically based resource allocation decisions.
- **Recommendation No. 4:** The NCAOC should establish standard rates and a centralized system for private parties to pay court reporters for transcript production.
- **Recommendation No. 5:** The Superior Courts of North Carolina should adopt digital recording technology.*

*In certain proceedings

Recommendation No. 1: Uniform, best practices should be established and implemented by designated courtroom clerks who are charged with monitoring and supervising the creation of the digital record in District Court.

- Inventory all current recording equipment deployed in North Carolina courtrooms, including the type of equipment, the age of the equipment, and the condition of the equipment
- Determine the most promising practices and technology through consultation with the National Center for State Courts, the Conference of State Court Administrators and other states who successfully utilize digital recording technology
- Assess the costs of purchasing digital recording technology necessary to create the most accurate and reliable digital records in North Carolina state courts
- Provide training to all courtroom clerks and other appropriate personnel on how to set up, operate, and monitor the equipment used in district and superior courts
- Identify the best methods for storing, archiving and retrieving digital records to facilitate the efficient use and preservation of such records

Recommendation No. 1, cont.

- Establish a clear set of policies and procedures for courtroom clerks serving as monitors of recording equipment; those policies and proceedings will provide, inter alia, that monitors follow the following protocols:
 - Ensure that the recording equipment is turned on and properly functioning prior to a court session
 - Actively monitor the recording of court sessions
 - Notify the judicial official if the equipment malfunctions or if parties need to speak more clearly for purposes of an accurate recording
 - Input a set of standard log notes (tabs) in the record (e.g., start and stop time, case number)
 - Follow established protocols for storing, archiving, and retrieving recordings
- Evaluate the personnel resources needed to provide monitoring of digital recording equipment
 - the additional duties imposed on the clerks related to monitoring the digital recording equipment and whether the clerks can assume those duties given current workload requirements
 - the need for additional personnel charged solely with monitoring digital recording equipment

Recommendation No. 2: District Courts should consider using court reporters for creating the record in Termination of Parental Rights hearings.

- Convene a workgroup consisting of judges, advocates, attorneys, court reporters, and other stakeholders to evaluate the following:
 - Current issues or problems associated with the use of digital recording equipment in TPR hearings in district courts
 - Resources needed to provide court reporter coverage for the TPR caseload
 - Whether requiring a court reporter will result in the delay of TPR hearings based on the availability of a court reporter
 - The overall feasibility and necessity of providing court reporters in TPR hearings
- Examine best practices in other states related to preserving the record in TPR hearings.
- Conduct an analysis of the costs associated with providing court reporters instead of digital recording technology in TPR hearings.

Recommendation No. 3: The Court Reporting Manager should collect, assemble, and analyze monthly court reporter operational data in order to make empirically based resource allocation decisions.

- Require each court reporter to submit monthly data regarding the number of hours spent in court, the number of hours spent working on transcripts, and the status of each assigned transcript
- Develop an electronic system that allows court reporters to input data electronically so that NCAOC can easily extract the data to make scheduling decisions and to determine workload needs

Recommendation No. 4: The NCAOC should establish standard rates and a centralized system for private parties to pay court reporters for transcript production.

- Conduct a comprehensive review of the current compensation structure for court reporters in North Carolina
 - Examine the current compensation structure for court reporters, including salary and the payment for production of transcripts, to determine the optimal compensation structure for court reporters; the review shall include a comparison with other states
 - Convene a committee of judges, court reporters, clerks, attorneys, and other stakeholders to make recommendations to the NCAOC director regarding the establishment of standard rates and a centralized system for private parties to pay court reporters for transcript production

Recommendation No. 5: The Superior Courts of North Carolina should adopt digital recording technology.

- Convene a committee to identify which types of cases and proceedings in superior court should continue to require court reporters and which types of cases and proceedings may be appropriate for the use of digital recording technology.
 - The committee shall include judges, clerks, district attorneys, court reporters, trial court administrators, and private attorneys.
- Evaluate the cost of installing state-of-the-art digital recording equipment in each superior court courtroom in North Carolina and seek appropriate funding through the General Assembly.
- Work with the Conference of District Attorneys to consider any changes to current calendaring practices necessary to ensure the efficient use of court reporters in those cases identified by the committee
- Contingent upon funding, install digital recording equipment in each superior court courtroom.
- Provide training to all courtroom clerks and other appropriate personnel on how to set up, operate, and monitor the equipment used in district and superior courts

Recommendation No. 5, cont.

- Evaluate the best methods for storing, archiving and retrieving digital records to facilitate the efficient use and preservation of such records.
- Establish a clear set of policies and procedures for courtroom clerks and other personnel serving as monitors of recording equipment; those policies and proceedings will provide, inter alia, that monitors follow the following protocols:
 - Ensure that the recording equipment is turned on and properly functioning prior to a court session
 - Actively monitor the recording of court sessions
 - Notify the judicial official if the equipment malfunctions or if parties need to speak more clearly for purposes of an accurate recording
 - Input a set of standard log notes (tabs) in the record (e.g., start and stop time, case number)
 - Follow established protocols for storing, archiving, and retrieving recordings

Key Points about the NCSC Study

- NCSC report does not recommend the elimination of all court reporters
 - Report recommends appropriate balance between human element and technology
- NCSC report details the court reporting model in three states to show the variance among states
 - Report recommends crafting a solution specific to North Carolina's needs
- North Carolina stakeholders who participated in the study generally favored retaining the use of court reporters in superior court
 - Letters of support for use of court reporters from the North Carolina Bar Association, the North Carolina Association of Defense Attorneys, and the Conference of North Carolina Superior Court Judges

Summary

- The NCSC report is a first step in the process
 - Identifies decision points for NCAOC
- NCAOC will take next steps
 - Convene a stakeholder advisory group to identify in which types of cases a court reporter should be charged with preserving the record
 - Investigate the court reporting and staffing models in other states and the federal system
 - Evaluate the most appropriate digital recording technology
 - Develop a strategy for the redeployment of personnel resources
- Final objective is to develop a court reporting model for North Carolina that meets the state's specific needs
 - Ensures the preservation of an accurate, reliable record in both district and superior courts
 - Finds an appropriate balance between human resources and technology



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